

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2005-255-T - ORDER NO. 2006-113
FEBRUARY 27, 2006

IN RE: Application of Jerry L. Rivers, John Davis,)	ORDER DISMISSING
Kenneth O. Smith d/b/a The Executive)	APPLICATION AND
Group, 116 East Main Street, Post Office Box)	RESCINDING
306, Latta, South Carolina 29565 (District 5))	AUTHORITY
for a Class C Certificate of Public)	
Convenience and Necessity.)	

This matter comes before the Public Service Commission of South Carolina (the Commission) on the request of the Office of Regulatory Staff (ORS) to dismiss the Application of Jerry L. Rivers, John Davis, Kenneth O. Smith d/b/a The Executive Group (The Executive Group or the Applicant) as the result of the failure of the Applicant to comply with certain rules of this Commission relative to the instant docket.

A review of the docket file reveals that The Executive Group was granted authority to operate as a motor carrier in South Carolina under a Class C Certificate of Public Convenience and Necessity (Certificate) by Order No. 2005-469, dated September 7, 2005. In Order No. 2005-469, the Commission directed the Applicant to file, or caused to be filed, with the ORS the proper license fees, proof of liability insurance (i.e. "Form E"), and other information required by S.C. Code Ann. Section 58-23-10 et seq. (1976), as amended, and by 26 S.C. Code Ann. Regs. 103-100 through 103-241 (Supp. 2004) of the Commission's Rules and Regulations for Motor Carriers, and 23A S.C. Code Ann. Regs. 38-400 through 38-503 (Supp. 2004) of the Department of Public Safety's Rules

and Regulations for Motor Carriers, within sixty (60) days of the date of the Order, or within such additional time as may be authorized by the Commission.

Further, Order No. 2005-469 instructed the Applicant that the failure to either complete the certification process by complying with the requirements of filing with the ORS proof of appropriate insurance and the payment of license fees and such other information required by law within sixty (60) days of the date of the Order or to request and obtain from the Commission additional time to comply with the stated requirements, would result in the Applicant's authorization being revoked.

By letter filed January 25, 2006, the ORS advises the Commission that The Executive Group has failed to comply with the rules and regulations of the Commission as required by Order No. 2005-469. According to the ORS, the Applicant has neither filed the appropriate documentation nor requested an extension of time; therefore, the ORS requests the Application of The Executive Group be dismissed.

After due consideration of ORS's request, the Commission is of the opinion, and so finds, that its previous Order No. 2005-469 granting The Executive Group authority to provide motor carrier services should be rescinded and that the Application herein should be dismissed.

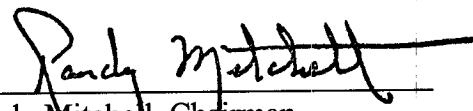
IT IS THEREFORE ORDERED:

1. That Commission Order No. 2005-469, dated September 7, 2005, granting authority to Jerry L. Rivers, John Davis, Kenneth O. Smith d/b/a The Executive Group to provide motor carrier services under a Class C Certificate of Public Convenience and Necessity is rescinded.

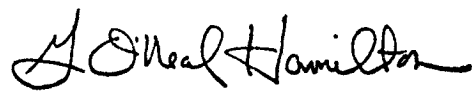
2. That the Application of Jerry L. Rivers, John Davis, Kenneth O. Smith d/b/a The Executive Group for a Class C Certificate of Public Convenience and Necessity is dismissed.

3. That this Order shall remain in full force and effect until further Order of this Commission.

BY ORDER OF THE COMMISSION:


Randy Mitchell, Chairman

ATTEST:


G. O'Neal Hamilton, Vice Chairman

(SEAL)